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TAGS: KJUS PHUM PGOV RS
SUBJECT: BAKHMINA CASE TAKES STRANGE TURN

REF: MOSCOW 3134

Classified By: Acting Pol Min Couns Kostelancik for reason 1.4 (d)

¶1. (C) Summary: On October 30, Russian daily *Vedemosti* reported that pregnant jailed Khodorkovsky lawyer Svetlana Bakhmina had withdrawn her request for release and was transferred to a hospital on October 24. According to the article, this was done without the knowledge of her lawyers, who have not had access to her since her transfer. Two leading human rights activists told us on October 27 that they believed Bakhmina and former Yukos vice-president Vasily Aleksanyan would both be released soon, based on the GOR's need for positive publicity in cases that have received international attention. The activists did not apply this thinking to Khodorkovsky's "more complicated" situation, and remained skeptical of Medvedev's overall intentions regarding human rights. End Summary.

A Strange Twist in Bakhmina case

¶2. (C) On October 30, *Vedemosti* reported that jailed Khodorkovsky lawyer Svetlana Bakhmina (reftel) had withdrawn her request for release almost a week ago without the knowledge of her lawyers. According to the article, she was transferred to a hospital on October 24 and they have not had access to her since then. The paper's sources at the Kremlin claim that no one in the GOR has received a request for release from her, even though her request was previously published and received widespread coverage in Russian and international media.

Still a chance for Bakhmina and Aleksanyan

¶3. (C) Notwithstanding this turn of events, prominent human rights activist Lev Ponomarev told us on October 27 that he was "90 percent certain" that Bakhmina and former Yukos vice-president Vasily Aleksanyan would both be released soon. He said that if Aleksanyan died while incarcerated, it would harm Medvedev's image internationally. He added that if authorities went ahead with the criminal case against him (currently on hold due to his ill health), they would also have to release him for lack of evidence. According to Ponomarev, Bakhmina posed a similar problem for the GOR, as it would be a PR disaster if she gave birth in prison. He dismissed the idea that bureaucratic delay might preclude Bakhmina's request because she only has one more month of pregnancy.

¶4. (C) Yuriy Dzhibladze, head of the Center for Human Rights and Democracy, similarly told us on October 28 that he believed Bakhmina would be freed, saying that advocates for her release have now garnered 60,000 signatures on their petition -- something "unprecedented" in Russia - and that "Medvedev is ready to show something" indicating that his statements on liberalization have substance.

No chance for Khodorkovsky

¶ 15. (C) Regarding Khodorkovsky, Ponomarev said that freeing him would be more "complicated." He believed the case against Khodorkovsky was flimsy, and noted that the prosecution had altered the charges against him as it suited them (adding new charges of embezzlement and money laundering in 2007 as a pretext for keeping him in detention). However, Khodorkovsky is less likely to gain freedom because he represents a "bigger fish" than his two associates, as well as a lesser humanitarian problem. Nonetheless, Ponomarev noted one potentially encouraging sign: Leonid Gozman, one of the three leaders of the Kremlin's latest project to merge the post-Union of Right Forces members with the liberal-leaning Democratic Party and Civic Force, publicly stated that he wanted Khodorkovsky to be released.

Signals of a change of course from Medvedev?

¶ 16. (C) Extrapolating from Gozman's statement, Ponomarev expressed optimism regarding trends in GOR human rights policy in the near future. He noted that the August war in Georgia eclipsed Medvedev's early plans for a more liberal direction for the GOR. The siloviki increased their influence, Ponomarev said; "Medvedev himself became a silovik." However, he now believed that Medvedev would return to his previous path. Releasing political prisoners who have garnered widespread public sympathy and international attention would be an easy way to signal such a plan.

¶ 17. (C) On the other hand, even if Medvedev released Bakhmina or Aleksanyan as a sop to international opinion, Dzhibladze doubted that this would indicate an overall change of course. He said that Medvedev does nothing independently of Putin. "In the spring, we naively hoped -- or preferred to think -- that he would change policies." He added that even if Medvedev wanted to change GOR human rights policy, he lacks the tools to do so, as the influx of oil revenue in recent years had enabled the GOR to postpone reforms in many sectors of society, leading to "dysfunctional" administration at all levels of government.

Comment

¶ 18. (C) At first glance, it appears inexplicable that Bakhmina would choose to withdraw her request. If she decided to withdraw the petition voluntarily, the decision likely stemmed from pessimism that her request would be approved in time for the birth, meaning that she chose the best available option by moving to the hospital. Her lawyers' inability to gain access to her raises additional questions about due process in the case. GOR inaction would indicate indifference to public and international opinion, leading to further doubts about future GOR intentions regarding human rights. We will continue to monitor the situation closely.

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